

# Chapter 3: MEPA by the Numbers: A Review of MEPA Activities

## CHAPTER SUMMARY

- < State agencies are required to send copies of EISs and EAs to the EQC and to the Governor's Office. Agencies that produce MEPA documents generally comply with this requirement.
- < The EQC has the most comprehensive database available of MEPA documents produced and submitted by the agencies over time.
- < In the 10 years between 1989 and 1998, the EQC database has recorded 17,376 MEPA activities, some of which are duplicate MEPA activities for the same project. Five state agencies are responsible for producing 98% of these documents.
- < For the 3 recent years, 1996 through 1998, the EQC database includes 8,843 MEPA activity records. Four agencies produced 99% of these records. The Department of Environmental Quality (DEQ) produced 62% of these records, the Department of Natural Resources and Conservation (DNRC) 26%, the Department of Fish, Wildlife, and Parks (FWP) 7%, and the Montana Department of Transportation (MDT) 4%. Other agencies accounted for the remaining 1% of the records.
- < MEPA compliance in Montana is accomplished mainly through the production of EAs or EA checklists. Of the 17,376 MEPA activities recorded between 1989 and 1999, approximately 0.4% were activities involving the production of an EIS. Another 36% were identified as EAs, which includes EA checklists in the case of some agencies for some project types. The remaining 63% of the activities were identified as "other" MEPA activities that include EA checklists, categorical exclusions, public notices, records of decision, and other minor administrative MEPA activities.
- < In the 3 years between 1996 and 1998, the DEQ produced 5,444, or 62%, of the total MEPA activities documents recorded in the EQC database. Nearly 80% of those were "other" activities other than EISs or EAs. Of that 80%, some 84% of the other efforts were identified as EA checklists for subdivisions.

- < Between 1985 and 1998, state agencies have produced EISs on 60 specific projects. Less than half, or 27, have been on private projects requiring state permitting approval. The remainder were for state-initiated projects, mostly timber sales on state lands, highway construction projects, and programmatic wildlife management plans. The majority of the privately sponsored projects for which an EIS was prepared were for mining projects.
- < The EQC database is not an indicator of how much time is spent on the environmental analysis of projects that may have significant impacts on the environment. Some EAs may take more time and effort than some EISs. Similarly some EISs take far more time and effort to compile and process than others. The database can be used to identify what agencies are doing what type of analysis on what type of projects. It can also provide a relative number of MEPA activities reported from year to year and from agency to agency.

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## **The Environmental Quality Council MEPA Database**

### ***Reporting Requirements***

Section 75-1-201(1)(c), MCA, requires state agencies that are responsible for producing a "detailed statement" to make a copy of the statement available to the Governor, the EQC, and the public. The MEPA Model Rule II defines an environmental impact statement (EIS) as the detailed written statement required in law, and the term includes all forms of EISs. The MEPA Model Rules X and XI reaffirm the statutory notification requirements and further require agencies to make copies of Draft and Final EISs available to the Governor and to the EQC among others. Also, agencies are required by MEPA Model Rule VI to submit copies of completed environmental assessments (EAs) to the EQC and to provide a list of completed EAs to the Governor and to the EQC on a quarterly basis.

### ***The Records***

Essentially, agencies submit EIS and EA documents to the Governor's Office and the EQC. The Governor's Office does not have a central repository or historical database of these documents. The EQC has been entering these documents into a computer database for many years and is able to provide some historical information for analysis. What are the "records" reported to and logged into the EQC database? Documents prepared by agencies conducting an environmental review of proposed agency actions take many forms depending on the nature of the proposed action. The type of documents submitted to and logged into the EQC database include environmental assessment checklists, preliminary environmental reviews, categorical exclusions, environmental assessments, draft or final environmental impact statements, records of decisions, public notices, and a historic laundry list of other administrative MEPA decision statements that some agencies have reported over the years. MEPA activities that are submitted to the EQC are logged into the EQC database by the date they are received.

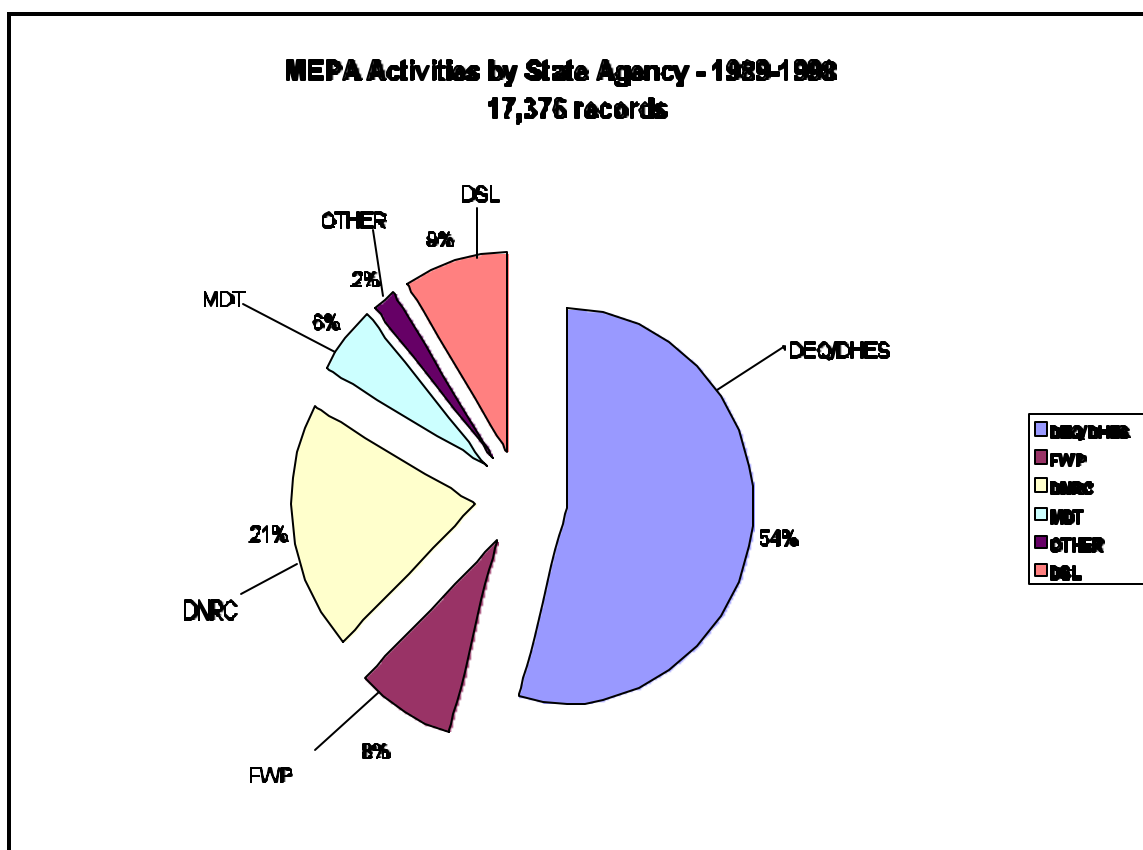
The EQC MEPA database includes all MEPA-related documents that were submitted to the EQC by state agencies between the years 1971 and 1999 except for the years 1978 through 1986. MEPA activities for those 9 years were not logged into the database, but the information exists in archived files. Documents that were not submitted are not recorded in the database. Titles and descriptions of documents submitted are recorded as they were reported by the agencies. For the years between MEPA enactment in 1971 and 1998 (not including the missing 9 years between 1978 and 1986), the EQC database contains 21,060 records. The 10-year time period between 1989 and 1998 contains 17,376, or 83%, of the total database records and reflects the most accurate data for comparisons due to consistency of reporting and data entry efforts.

## What Agencies Implement MEPA?

The answer to this question, based on the number of MEPA documents submitted to the EQC between 1989 and 1998, is shown in **Figure 3-1**. The chart shows that five state agencies accounted for 98% of the total MEPA document activity during that 10- year period, with the Department of Environmental Quality/Department of Health and Environmental Sciences (DEQ/DHES) accounting for over half, or 54%, of the total.

The 2% "Other" agency category consists of 329 records mostly from the Department of Commerce relating to department notices of intent to release grant or loan funds for local government projects, plus a smaller number of MEPA activities that were reported by the Departments of Agriculture and Livestock.

The data in **Table 3-1** provides the basis for the statistics in **Figure 3-1** and much of the information in this chapter. Following agency reorganization in 1995, the former Department of State Lands (DSL) programs, which accounted for approximately 9% of the total MEPA activities reported in the 10-year period (**Figure 3-1**), were incorporated into the Department of Natural Resources and Conservation with the exception of the DSL mining programs (hard-rock, opencut, and coal), which were incorporated into the Department of Environmental Quality (DEQ). All of the DHES environmental programs were incorporated into the new DEQ agency, so the MEPA activities shown for the

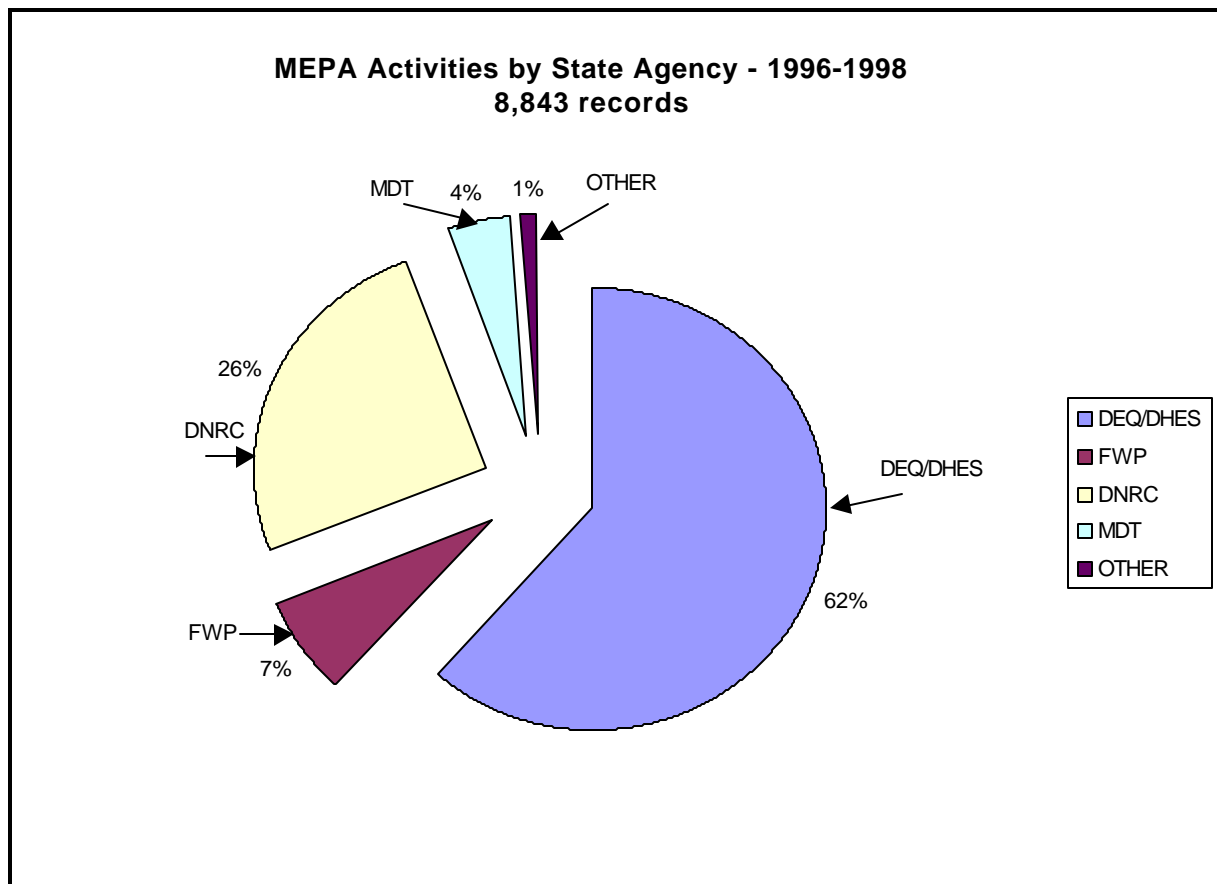


**Figure 3-1**

DEQ/DHES are actually DHES activities prior to 1995 and DHES plus DSL mining activities since 1995.

In an effort to review the most current status of MEPA activity in those agencies that implement MEPA and to remove any historic bias resulting from changes in agency reorganization, program procedures, or database input decisions, **Figure 3-2** shows the MEPA document activities for the most recent 3 years from 1996 through 1998.

These are the years following the 1995 reorganization of DHES, DSL, DNRC, and other state agencies and reflect the most current status of MEPA implementation by the agencies. Comparing **Figure 3-2** with **Figure 3-1** for the previous 10-year period, the MEPA activities of the former DSL are now being reported by DEQ and DNRC. Following reorganization, MEPA activities for DEQ and DNRC increased from 54% to 62% and 21% to 26% of the past 3 year totals respectively. For these 3 years, DEQ, DNRC, and FWP have accounted for 95% of the MEPA document activity recorded in the EQC database, and these three state agencies, plus the Montana Department of Transportation (MDT), account for 99% of the total MEPA implementation activities reported to the EQC. Essentially, the implementation of MEPA in Montana involves the MEPA activity of these four agencies. With limited exceptions (1% or approximately 88 of the 1996-1998 reported MEPA activities), the decisions of the Departments of Agriculture, Livestock, and Commerce are seldom determined to be subject to the environmental analysis requirements of MEPA. The EQC database rarely, if ever, records a MEPA analysis of



**Figure 3-2**

decisions made by the following state agencies: Labor and Industry, Public Health and Human Services, Administration, Revenue, Military Affairs, Corrections, and Justice and other boards, committees, and administratively attached organizations. Decisions by the Legislature and the Public Service Commission are statutorily exempt from MEPA.

## **MEPA Activities 1989-1998**

The information in **Table 3-1** is a summary of information submitted to the EQC by state agencies and entered into the database. The EIS category may include multiple recordings of the same project if, for example, a draft, final, and supplemental EIS were provided to the EQC and entered in the database. The actual number of projects for which an EIS was prepared by a state agency in the 14-year period between March 1985 and June 1999, as reported by the agencies, is shown in **Table 3-6**.

The EA category may similarly reflect duplicate entries for the same project and may include some EA checklists if the agency reported them as EAs. Generally, an EA is a more lengthy document providing a more in-depth analysis of the impacts of a proposal than an EA checklist, the vast majority of which are included in the "Other" category. However, a review of the individual records in the EQC database indicates that this distinction between EAs and the EA checklist is sometimes blurred between reporting agencies and programs. An EA checklist is a type of EA and is reported that way by some programs.

The information in **Table 3-1** may be broadly used as a measure of relative agency workload, although such interpretations should be made with caution. For example, one complex EIS or EA may take far more effort than the time it takes to produce several hundred EA checklist documents. Similarly, not all project EAs are made the same. One may be very complex or controversial and very work-intensive, while another could be a relatively simple review that can be conducted in a few hours.

**Table 3-1. MEPA Activities By State Agency - 1989-1998\***

	DEQ/ DHES	FWP	DNRC	MDT	OTHER	DSL	TOTALS
	<b>1998</b>						
EIS	4	1	2				7
EA	306	94	518	3	1		922
other	1452	84	209	132	25		1902
year total	1762	179	729	135	26		2831
	<b>1997</b>						
EIS	2	2	4				8
EA	299	107	458	13	2		879
other	1446	96	267	112	32		1953
year total	1747	205	729	125	34		2840
	<b>1996</b>						
EIS	3	2	7	1			13
EA	453	114	413	7	3		990
other	1479	145	391	124	31		2170
year total	1935	261	811	132	34		3173
	<b>1995</b>						
EIS	5	2	1			2	10
EA	386	64	235	5	4	10	704
other	1318	169	158	127	71	236	2079
year total	1709	235	394	132	75	248	2793
	<b>1994</b>						
EIS	1	3	2			1	7
EA	317	73	256	5	6	20	677
other	1100	203	1	91	58	432	1885
year total	1418	279	259	96	64	453	2569
	<b>1993</b>						
EIS	1	2		1		2	6
EA	272	88	67	15	6	85	533
other	20	139		79	22	352	612
year total	293	229	67	95	28	439	1151

	DEQ/ DHES	FWP	DNRC	MDT	OTHER	DSL	TOTALS
	<b>1992</b>						
EIS	2		2	2	1	5	12
EA	210	48	222	5	5	139	629
other	6	12	3	50	18	189	278
year total	218	60	227	57	24	333	919
	<b>1991</b>						
EIS			2	1	1	4	8
EA	160	10	147	11	2	58	388
other	2			72	14	3	91
year total	162	10	149	84	17	65	487
	<b>1990</b>						
EIS			1				1
EA	99	7	210	13	8	39	376
other	3			21	9		33
year total	102	7	211	34	17	39	410
	<b>1989</b>						
EIS	1		2		2		5
EA	93	1	2	39	1	25	161
other	1			28	7	1	37
year total	95	1	4	67	10	26	203
<b>TOTAL</b>	<b>9441</b>	<b>1466</b>	<b>3580</b>	<b>957</b>	<b>329</b>	<b>1603</b>	<b>17376</b>

\*Source: EQC MEPA documents database. Data is shown on a calendar-year basis.

**Table 3-1** definitions and interpretations of data:

"EISs" include activities related to the production of environmental impact statements in any form, including draft, final, programmatic, and supplemental EISs.

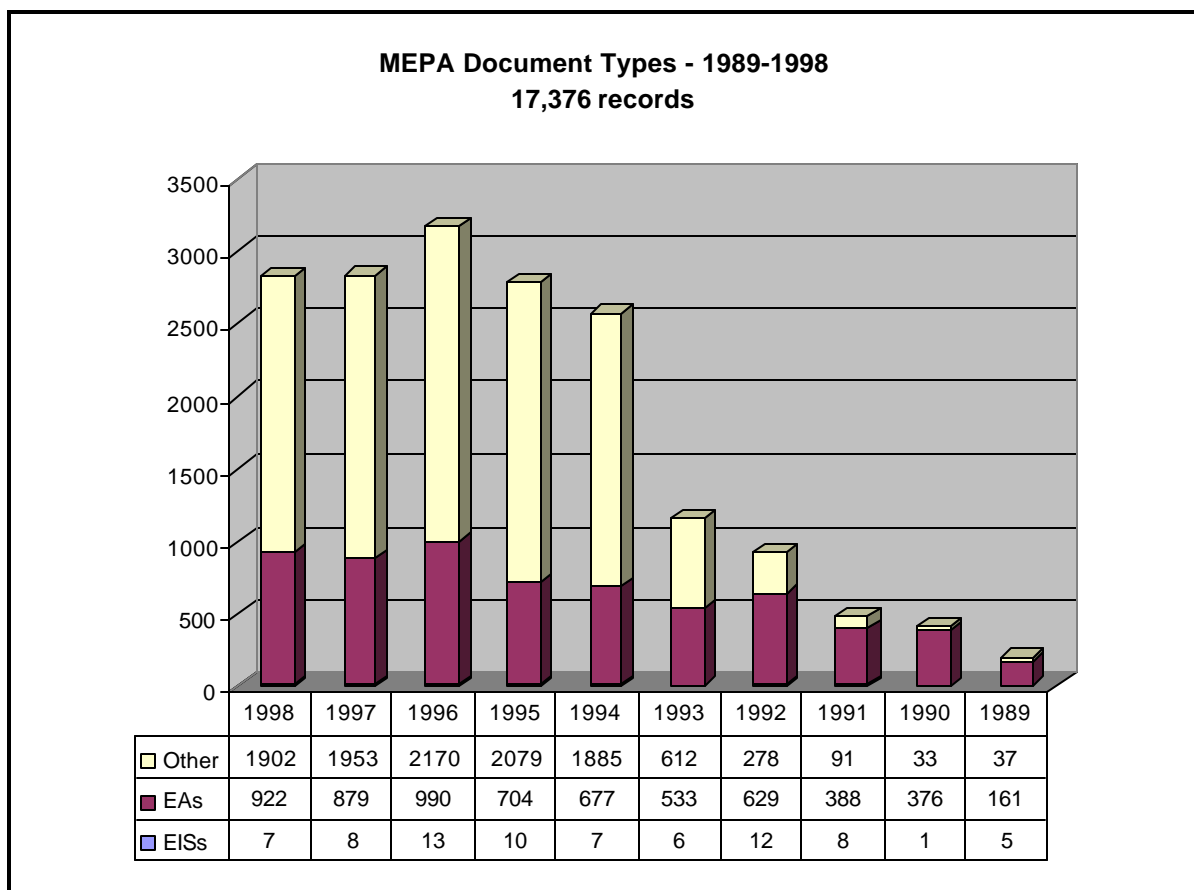
"EAs" include activities related to the production of environmental assessments in any form, including draft, final, supplemental, revised, and mitigated EAs, and preliminary environmental reviews.

The "Other" category is a catchall for all other reported MEPA activities that do not involve the actual production of either an EIS or an EA document and includes such activities as categorical exclusions, EA checklists, public notices, records of decisions, and other more administrative or procedural MEPA activities that some of the agencies report to the EQC.

The information in **Figure 3-3** shows the type of MEPA documents that were reported to EQC for the past 10 years by calendar year and further separates them into three categories (EIS, EA, and Other) using the same definitions as noted previously.

The information indicates that since 1994, the number of MEPA documents reported to the EQC has remained fairly constant, between a total of 2,500 to 3,000 per year. The large jump in the total number of MEPA documents filed between 1993 and 1994 is mostly the result of the advent of the EA checklist being used by state agencies, most notably in the DEQ subdivision program.



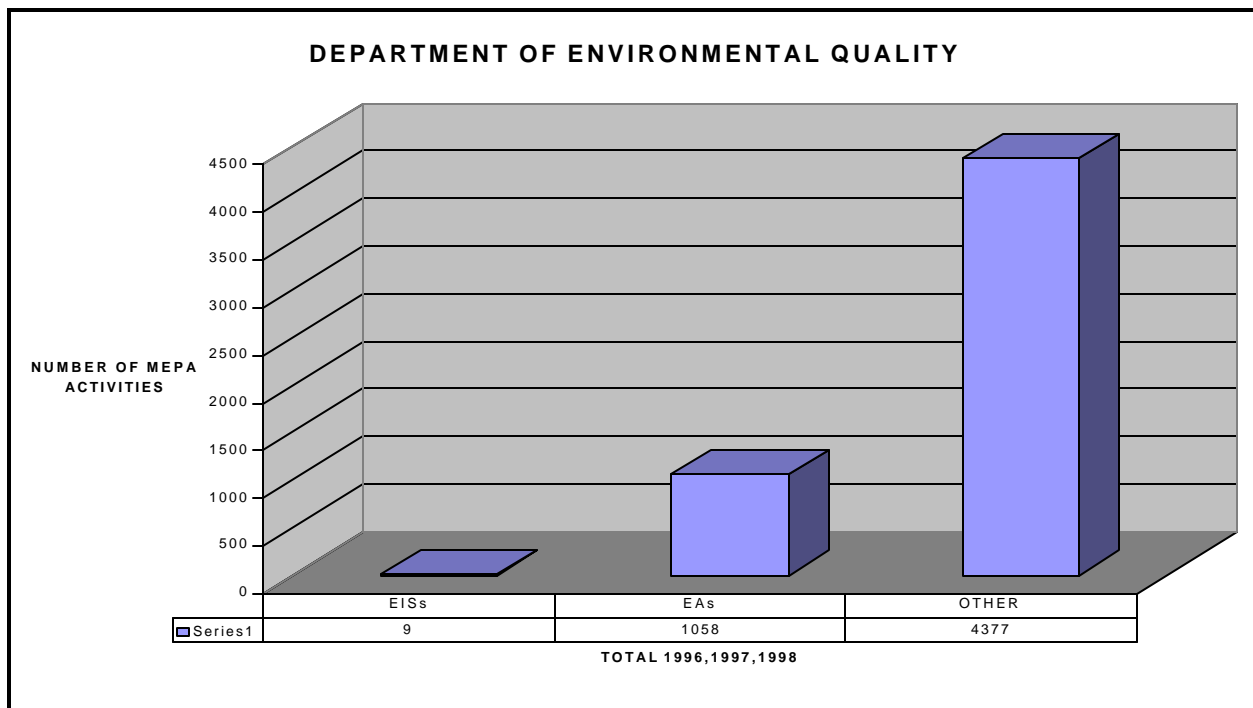


**Figure 3-3**

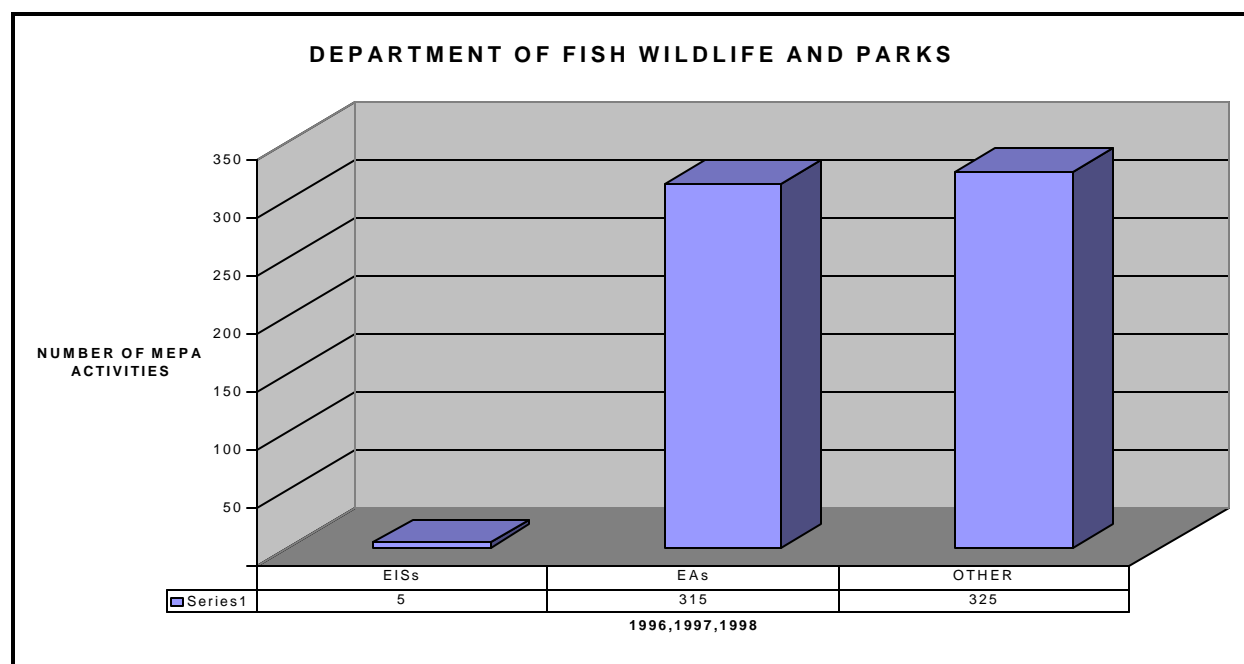
A further analysis of what type of MEPA activities are being conducted by the agencies is shown in the following charts. They show a breakdown of the MEPA activities reported by the three most active agencies over the 3 years from 1996 through 1998.

**Figure 3-4** shows the 5,444 MEPA documents and activities reported to the EQC during the past 3 years by the DEQ by document type. The most time-consuming documents are usually the 9 EIS document efforts followed by the 1,058 EA efforts. Of the 4,377 "Other" documents reported, 3,672 or 84% of them were identified as EA checklists for subdivisions. Individual EA checklists are generally prepared with minimal agency effort, but thousands of them represent a considerable agency and EQC effort.

For comparison, **Figure 3-5** shows a breakdown of the 645 MEPA documents and activities reported to the EQC during the past 3 years by FWP. Most of the "Other" category includes EA checklists and records of decision on EAs that the agency produces. Much of the agency's MEPA activities involve the permitting of private game farms (now alternative livestock ranches), fish ponds, and upland bird farms and the acquisition and improvement of public access sites. The number of EAs prepared by FWP is similar to the number of "Other" MEPA documents and activities that it reports.

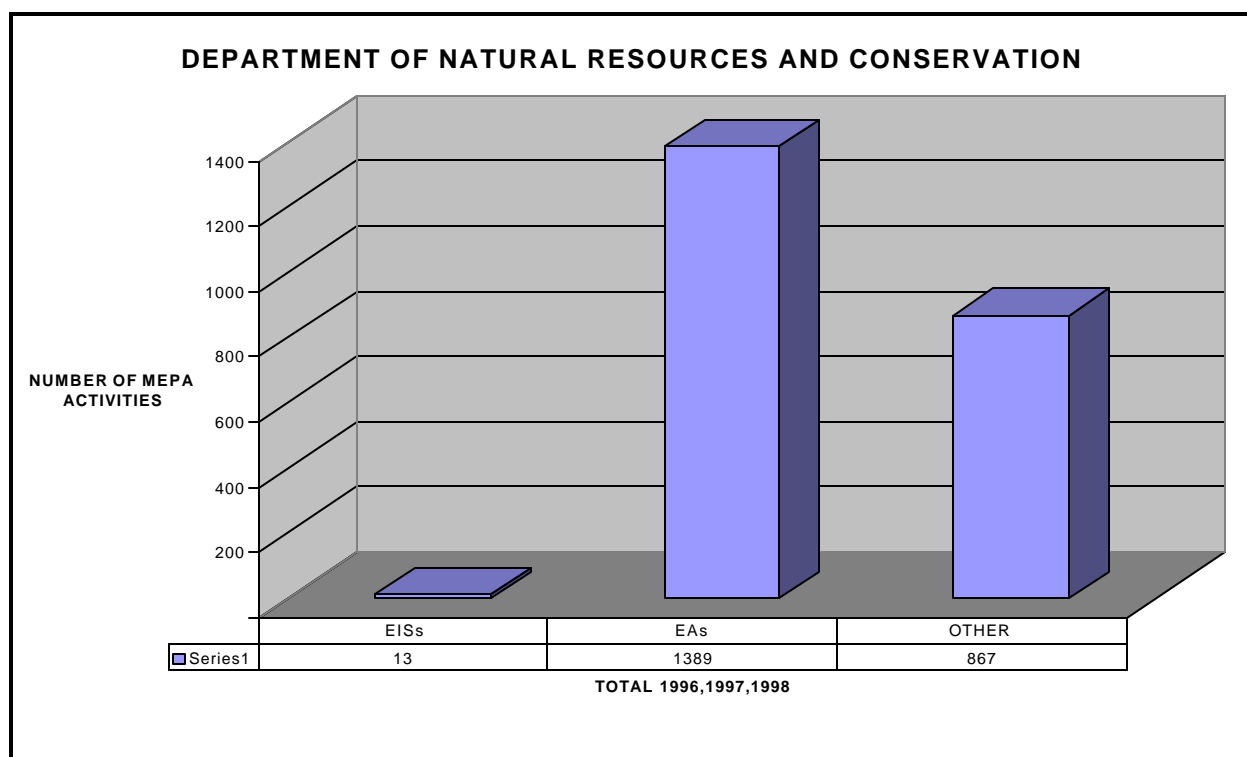


**Figure 3-4**



**Figure 3-5**

For the final comparison, the 2,269 MEPA documents prepared by the DNRC during calendar years 1996 through 1998 and submitted to the EQC are shown in **Figure 3-6**. Of the 1,389 EAs submitted during the 3-year period, 799, or about 58% of the total, were EAs for decisions regarding the issuance of oil and gas drilling permits. This format for reporting MEPA review of oil and gas drilling permits began following the production of a programmatic EIS for these activities by the Board of Oil and Gas. In the "Other" category, 66%, or 576, of the 867 MEPA documents and activities are EA checklists for land use lease permits.



**Figure 3-6**

## MEPA Projects by Agency - 1998

The above discussion briefly mentioned some of the activities for which three state agencies prepare environmental review documents. The following tables indicate what type of MEPA documents were prepared for what type of projects for the year 1998 as more detailed examples of how agencies were implementing MEPA. The most current data year (1998) was selected to reflect current agency MEPA practices and to represent the type of actions that an agency addresses in a typical year. The numbers and totals are equal or similar to those listed for the agencies in **Table 3-1**. Minor differences are the result of hand counting and classification of documents.

**Table 3-2** shows the 1,762 MEPA activities reported to the EQC by DEQ for 1998. As indicated previously in **Figure 3-4**, a large number of EA checklists are produced by the agency. The majority of those were EA checklists for subdivision decisions. Others were for mining permits and operations (mostly gravel pits) and underground fuel tank installations and removals. Decisions involving air quality permits and subdivisions accounted for a total of 288 of the 305 EAs that were prepared by DEQ in 1998. Mining and subdivision projects triggered EISs in 1998. Numerically, the agency produces and reports a large number of MEPA documents for subdivisions, air quality permits, and mining (mostly gravel pits). Actions involving those three agency responsibilities accounted for 1,658, or 94%, of the total 1,762 MEPA activities reported by DEQ in 1998.

**Table 3-2. DEPARTMENT OF ENVIRONMENTAL QUALITY**

1998 MEPA Activities by Project and Document Type

PROJECT	FEIS , DEIS, EIS, PEIS, SEIS	EA, DEA, FEA, MEA, SEA	EA CHECKLIST	CATEGORI- CAL EXCLUSION	ROD, PUBLIC NOTICE, OTHER	TOTAL
AIR QUALITY PERMITS		212			48	260
FUEL TANK			42			42
HAZARDOUS WASTE PERMIT						0
JUNKYARD/ WRECKING FACILITIES		4				4
MINING PERMITS AND OPERATIONS	3	3	122		5	133
SOLID WASTE PERMITS		9			3	12
SUBDIVISION	1	76	1187		1	1265
SUPERFUND SITE						0
WASTE WATER DISCHARGE PERMITS				5	40	45
WATER PROJECT PERMITS		1				1
<b>TOTAL</b>	<b>4</b>	<b>305</b>	<b>1351</b>	<b>5</b>	<b>97</b>	<b>1762</b>

**Table 3-3** shows the type of projects and MEPA review activities reported by the FWP for the year 1998. This agency's MEPA activities for 1998 show a variety of projects mostly resulting in the production of EA review documents. The EA checklist is mostly used for the permitting of private fish ponds (species introduction).

**Table 3-3. DEPARTMENT OF FISH, WILDLIFE, AND PARKS**

1998 MEPA Activities by Project and Document Type

PROJECT	FEIS , DEIS EIS, PEIS, SEIS	EA, DEA, FEA, MEA,SEA	EA CHECKLIST	CATEGORI- CAL EXCLUSION	ROD, PUBLIC NOTICE, OTHER	TOTAL
CONSERVATION EASEMENT		6			4	10
GAME BIRD FARM		2	3			5
ALTERNATIVE LIVESTOCK RANCH (GAME FARMS)		18			9	27
FERTILIZERS/ HERBICIDES/ PESTICIDES		1				1
FISHERIES		6			1	7
FISHING ACCESS SITE		12	1		11	24
FUTURE FISHERIES PROJECT		21			1	22
INSTREAM FLOW PROJECT						0
LAND ACQUISITION		1				1
LAND USE/ EASEMENT		1			1	2
LAND USE/ EXCHANGE		1				1
PARKS/ RECREATION		14			6	20
SPECIES INTRODUCTION		5	32		5	42
STREAM RESTORATION						0
WATER LEASE					1	1
WATER RIGHT			1			1
WILDLIFE MANAGEMENT	1	5			5	11
WILDLIFE MGMT AREA		1			2	3
<b>TOTAL</b>	<b>1</b>	<b>94</b>	<b>37</b>		<b>46</b>	<b>178</b>

**Table 3-4** provides information on 1998 projects and MEPA activities addressed by DNRC. The information indicates that the agency conducts most of its MEPA reviews through the use of an EA. Most of the EA activities involve the granting of water rights

or oil and gas permits. These MEPA reviews are identified as EAs by the agency and are logged into the EQC database as such. They are very similar in depth and analysis to the EA checklists for the DEQ subdivision program. The agency uses EA checklists mostly for land use licenses or easements and timber projects. Timber sale projects also accounted for the EIS review documents that the agency prepared in 1998.

**Table 3-4. DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**  
1998 MEPA Activities by Project and Document Type

PROJECT	FEIS, DEIS, EIS, PEIS, SEIS	EA, DEA, FEA, MEA,SEA	EA CHECKLIST	CATEGORI- CAL EXCLUSION	ROD, PUBLIC NOTICE, OTHER	TOTAL
DAM FACILITY		1				1
DRILLING ON STATE LEASE		11				11
GEOPHYSICAL EXPLORATION			5			5
LAND LEASE OR EXCHANGE		1				1
LAND SALE		1				1
LAND USE LICENSE OR EASEMENT			151			151
MINING PERMITS AND OPERATION			2			2
OIL AND GAS DRILLING PERMIT		342				342
OIL AND GAS LEASE SALE		11				11
TIMBER OR SALVAGE SALE	2	14	35		3	54
WATER LEASE						
WATER PROJECT		1			1	2
WATER RIGHT		146				146
WATER RIGHTS COMPACT						
<b>TOTAL</b>	<b>2</b>	<b>528</b>	<b>193</b>		<b>4</b>	<b>727</b>

The 1998 MEPA review activities for the MDT are shown in **Table 3-5**. The MDT prepares environmental review documents under NEPA for federal highway projects using federal funding and prepares MEPA documents for state highway projects using state funding. The majority of the MDT environmental review is conducted under a categorical exclusion document. The MEPA rules adopted by MDT describe what types of activities are subject

to review by categorical exclusion. In the case of MDT MEPA documents, the term "categorical exclusion" is somewhat of a misnomer. Although federal and state rules conclude that an EA or EIS is generally not required for activities that qualify for a categorical exclusion, the MDT often prepares a detailed project environmental review document in support of the categorical exclusion designation in a level of analysis that resembles other agencies' EAs.

**Table 3-5. DEPARTMENT OF TRANSPORTATION**

1998 MEPA Activities by Project and Document Type

PROJECT	FEIS , DEIS, EIS, PEIS, SEIS	EA, DEA, FEA, MEA, SEA, REA	EA CHECKLIST	CATEGORI- CAL EXCLUSION	ROD, PUBLIC NOTICE, OTHER	TOTAL
AIRPORT PROJECT		3		131	1	135
HIGHWAY PROJECT						0
MISC						0
<b>TOTAL</b>		<b>3</b>		<b>131</b>	<b>1</b>	<b>135</b>

## Montana State Agency Environmental Impact Statement Projects - 1985-1999

The EQC database records show that in the 14 years between March 1985 and June 1999 Montana state agencies have prepared EISs on a total of 60 projects (**Table 3-6**). This figure is less than the total number of EIS activities shown in **Table 3-1**. This is because **Table 3-1** is based on a database search that reports multiple EIS document activities on the same project. For example, a draft EIS and a final EIS for the same project would have been listed as two separate MEPA activities if both documents were submitted to the EQC and recorded in the database. Sometimes the draft EIS and the final EIS are virtually the same document. For other projects, the draft EIS and the final EIS are significantly different due to public comments, agency responses, and changes made or mitigation measures added to the project. When both are submitted as required by rule, both are entered into the database.

The following information lists all those projects between March 1985 and June 1999 for which a state agency deemed it necessary to prepare an environmental impact statement due to the nature of the decision and the significance of the potential environmental impacts of the proposal. Any EIS documents that were prepared by the agencies but not reported to the EQC will not be listed here. The 60 EIS projects are listed below by year of initial EIS action and by lead agency.

**Table 3-6. EIS Projects by Agency - March 1985 to June 1999**

<u>Agency</u>	<u>Year- initial EIS action</u>	<u>Project</u>
DSL	1985	Stillwater Project
	1985	Jardine Joint Venture Project
	1988	Peabody Big Sky Coal Mine
	1991	Western Vermiculite Project
	1991	Stillwater PGM East Boulder Mine; nondegradation
	1991	Stillwater Mine, Nye
	1992	Meridian Minerals Bull Mountain Mine
	1993	Beal Mountain Mine
	1993	South Beal Mining Project
	1994	Holnam Project, Trident Plant
	1995	Swede Creek Timber Sale
	1995	State Forest Land Management Plan Programmatic
DNRC	1986	Conrad to Shelby Transmission Line
	1988	Upper Clark Fork Water Reservations
	1989	Statewide Oil and Gas Drilling Permit Programmatic
	1991	Missouri River Above Fort Peck
	1992	Fort Peck to Wolf Point Transmission Line
	1992	230 KV Trans Line - Noranda Minerals, Montanore Project
	1994	Water Reservations: Lower Missouri River Basin
	1995	Tongue River Basin Dam Project
	1996	Tepee Creek Timber Sale
	1996	Upper Stryker Ridge II Timber Sale
	1996	Middle Soup Creek Timber Sale
	1997	Callahan Timber Sale
	1997	West Fork Blacktail Creek Timber Sale
	1998	South Fork Lost Creek Timber Sale
	1998	Cyclone/Coal I and II
	1998	Sour Fish Timber Sale
	1999	Beaver Lake Timber Sale, Leases
DHES	1985	Frenchtown Mill
	1988	Church Universal and Triumphant
	1993	Lewis and Clark County Landfill
DEQ	1995	Zortman-Landusky Mine Reclamation and Extension
	1995	Express Crude Oil Pipeline
	1995	ASARCO Rock Creek Project
	1995	Stillwater Mine E-W Connection and Tailings Pond
	1996	Diamond Hill Mine and Mill Project
	1997	Golden Sunlight Mine
	1997	Bull Lake Estates Subdivision
	1998	Stillwater Mine Revised Waste Management Plan
	1998	Yellow Band Gold Mine Scoping Project



<u>Agency</u>	<u>Year- initial EIS action</u>	<u>Project</u>
FWP	1986	Grizzly Bear in NW Montana Programmatic
	1993	Snowmobile Trail Programmatic
	1994	Black Bear Management in Montana Programmatic
	1995	Management of Mountain Lions in Montana Programmatic
	1995	Riparian Wetland and Habitat Cons. Programmatic
	1996	Montana State Trails Plan Programmatic: draft/scoping
	1997	Big Velvet Game Farm
	1998	Wildlife Management Programmatic
	1999	State Trails Plan Programmatic
MDT	1986	Bozeman Arterials
	1988	Madison Bridge
	1991	N. Helena/Forestvale Interchange
	1992	Shilo Road Interchange
	1992	US Highway 2, Columbia Heights - Hungry Horse
	1997	US Highway 93 Hamilton to Lolo
DAg	1989	Emergency Grasshopper Control Programmatic
	1991	Noxious Weed Trust Fund Programmatic

## Programmatic Environmental Reviews

The MEPA Model Rule XVII requires an agency to prepare a programmatic review of its activities whenever it proposes a series of agency-initiated actions, programs, or policies that may constitute a major state action that will significantly affect the environment.

The Model Rules also allow an agency to prepare a programmatic review in certain cases, including whenever a series of agency jurisdictional actions deserve such an analysis as determined by the agency. The programmatic review can be in the form of an EA or an EIS. Through specific rulemaking or through the preparation of a programmatic review, an agency can identify actions that may be categorically excluded from environmental analysis and also establish thresholds for reviewing those same actions by identifying when and under what circumstances the action would not be categorically excluded from review. The programmatic review provides an opportunity for an agency to analyze the environmental impacts of its decisions or actions on a collective or programwide basis and determine under what circumstances a particular type of environmental analysis may be required for a specific project.

Model Rule XVII also allows an agency to prepare a programmatic review when directed by statute. The Legislature has directed an agency to prepare a programmatic environmental review on two occasions. The 1987 Legislature required the Board of Oil and Gas to prepare a programmatic environmental impact statement by December 31, 1989. The 1999 Legislature directed the Department of Fish, Wildlife, and Parks, in cooperation with the Department of Livestock, to conduct a programmatic review of environmental impacts associated with the licensing of alternative livestock operations.

**Table 3-7** is a list of all the programmatic EISs that have been prepared to date by state agencies. Although they are allowed by the Model Rules, only one programmatic EA has been prepared.

**Table 3-7. Programmatic Environmental Impact Statements**

Department of Fish, Wildlife, and Parks

1986	Final PEIS	Grizzly Bear in Northwest Montana Programmatic
1993	Final PEIS	Snowmobile Trail Programmatic
1994	Final PEIS	Black Bear Management in Montana Programmatic
1995	Final PEIS	Management of Mountain Lions in Montana Programmatic
1995	Final PEIS	Riparian Wetland and Habitat Conservation Program, Libby and Hungry Horse Dams
1996	Draft PEIS	Montana State Trails Plan Scoping
1998	Final PEIS	Wildlife Management Programmatic Review
1999	Final PEIS	Montana State Trails Plan

Department of Natural Resources and Conservation

1989	Final PEIS	Statewide Oil and Gas Drilling Permits
1995	Final PEIS	State Forest Land Management Plan Programmatic

Department of Agriculture

1989	Final PEIS	Emergency Grasshopper Control
1992	Final PEIS	Noxious Weed Trust Fund

Department of Environmental Quality

2000	Final PEA	Small Quarry Permits
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## Summary

The EQC MEPA database is the best source of collective information about MEPA-related documents and notices that are produced by the Executive Branch. Because of statutory and rule requirements, draft and final EISs and EAs are submitted to the EQC for entry in the database. Although agencies may have project-specific files, it is doubtful that there is a complete historical record of MEPA activities maintained within the agencies. The Governor's Office does not maintain a MEPA database or retain MEPA documents.

The information is logged into the database as it is received from the agencies without regard to agency MEPA policies or nomenclature. An agency-defined EA is entered as an EA; an EA checklist is entered as an EA checklist. Recordkeeping at the EQC has been consistent for many years, although some early year records (1978-1986) have not been entered into the system.

The database contains a total of 21,060 state MEPA records. However, 17,376 (83%) of the total were logged into the system in the 10-year period between 1989 and 1998. Records for 1999 are not yet complete. Of the 17,376 records entered in the past 10 years, 8,843 (51%) of them were received from agencies in the 3-year period (1986-1998) following executive agency reorganization. Over that same 3-year period, four agencies--

the Departments of Environmental Quality; Natural Resources and Conservation; Fish, Wildlife, and Parks; and Transportation accounted for 99% of the MEPA activities recorded in the EQC database.

Most of the MEPA activity in Montana involves the preparation of environmental assessments (EAs) or EA checklists. In the 14 years between 1985 and 1999, state agencies have prepared EIS documents for 60 projects according to information reported to the EQC. In recent years, actions by the DNRC timber program and the DEQ mine permitting programs account for most of the state EIS efforts in Montana.

Agencies have certain programs that result in a significant number of MEPA activities. An opportunity for increasing MEPA efficiencies may exist within these programs. The Department of Fish, Wildlife, and Parks has utilized the programmatic EIS process to a greater extent than other agencies.

The EQC MEPA database cannot be used to identify the time or resources that are spent on the preparation of a MEPA document. A single EA for a complex and controversial project may utilize a significant amount of agency resources that will not be reflected in the database statistics.